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Judicial Proceedings Committee



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February 2nd, 2023
Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill – 27 – Criminal Procedure – Restorative Justice Program

Dear Chairman Smith and Members of the Committee,

Restorative Justice is a governmental and court-appointed system which focuses on rehabilitating offenders by reconciliation between the victim and the offender. It

emphasizes repairing the harm caused by criminal behavior. Restorative Justice achieves this by bringing both the victim or a representative of the victim and the convicted offender together in order to ameliorate the harmful effects on a victim in a manner that treats the victim with dignity, respect and sensitivity. The goal is to engage both victims and offenders in the justice process, leading to the repair of the harm caused to the victim and encouraging behavioral change in the offender.

Senate Bill 27 establishes the Restorative Justice Program with the Victim Services Unit of the Governor's Office of Crime Prevention. Participation in the Restorative Justice Program must be voluntary on both sides. Once informed about the program, a victim must take the initiative to request participation in the program through the Victim Services Unit. Similarly, once informed about the program, the offender must take the initiative to request participation in the program through the offender's case manager. I want to stress that neither the victim nor the offender will be put under any pressure whatsoever to participate in the program. In the case of a victim in particular, if the victim does not want to participate in the program, the victim can simply ignore the notification provided to the victim by the State's Attorney of the existence of the program and the way in which the victim can request participation.

The bill sets up the Maryland Restorative Justice Council within the Governor's Office of Crime Prevention Youth and Victim Services. The Council will be responsible for administering the program, including its standards, policies, training requirements and certifications for facilitators. The bill also creates the position of Restorative Justice Legal Specialist within the Victim Services Unit whose duties will include managing the program and ensuring the compliance of the program with all applicable laws, regulations and established policies. In addition, the bill establishes the Restorative Justice Program Revolving Fund to pay for the costs and administrative expenses of the Restorative Justice Legal Specialist.

Here's how the program will work. Once both parties agree to participate in the program, the Restorative Justice Legal Specialist will assign facilitator or facilitating organization to bring the victim and the offender together, while ensuring the safety of the victim and in a manner consistent with trauma-informed methodologies in an attempt to facilitate program participation. The facilitator will be completely neutral. The Restorative Justice Legal Specialist will create a confidential file in the Maryland Electronic Courts System. On request of the facilitator, the prosecuting attorney, the Victim Services Unit, counsel for the offender, counsel for the victim and the court may provide the facilitator with helpful information. The court clerk must provide the facilitator with access to all materials in the court file at no cost. The facilitator must submit regular reports to the Restorative Justice Legal Specialist. Either party may withdraw its participation in the program at any time without consequence.

Finally, let's discuss what a restorative justice program can accomplish. In those cases in which both the victim and the offender agree to embark on a restorative justice dialogue assisted by a trained facilitator, the possibility exists that the program will meet the victim's need for healing, will result in the offender acknowledging wrong and taking responsibility for the criminal act and will reduce recidivism once the offender is released from confinement.

Based on statistics I have seen, the cost of providing Restorative Justice programs is offset up to eight times by the savings created by significantly reduced recidivism rates and the cost of future crimes. The probability of re-arrest has been shown to have been reduced by 13% for those who participate in continued restorative justice mediation. The probability of returning to prison is reduced by 12% in Restorative justice cases. In short, Restorative Justice Mediation has been shown to improve recidivism rates.

I appreciate the Committee's consideration of Senate Bill 27 and will be happy to answer any questions the Committee may have.